

United States. The Food Bank's honors include Second Harvest's Food Bank Award for Excellence in 1990, the Nabisco Model Food Bank Award in 1993, and the Hunger's Hope Award for Innovation in 1996.

The Houston Food Bank's fresh produce operation, the Produce People Care Center, serves as a model food bank program nationally, handling six million pounds of nutritious fruits and vegetables each year. In another initiative that is being copied elsewhere, the Food Bank has formed a partnership with the Texas Department of Criminal Justice whereby Texas prison inmates are growing millions of pounds of fresh fruits and vegetables on surplus prison farmland.

Perhaps the most important ingredient of all in the Houston Food Bank's success is community involvement. As a private, non-profit organization, the Food Bank depends on the support of concerned businesses, foundations, individuals, and the religious community for financial support to meet its annual budget. In addition, about 4,500 hours are donated by volunteers each month. Because of the strong support of the food industry and its low operating cost, the Food Bank is able to provide \$20 in food for each dollar donated.

As the Houston Food Bank celebrates its 15th anniversary, it will honor two visionary couples who put a roof over the Food Bank's head and a foundation under its dreams. When the Food Bank was just an idea, philanthropists Joan and Stanford Alexander of Weingarten Realty Investors stepped forward with an offer of donated warehouse space, which gave the Food Bank both a home and credibility in the community. Then, in 1988, the late Albert and Ethel Herzstein donated the Food Bank's permanent home, the 70,000-foot-warehouse that is in use today.

Joan and Stanford Alexander's support of the Houston Food Bank from the beginning gave the organization public credibility when it needed it most. They have been valuable members of the Food Bank's Advisory Board, offered wise counsel, and advocated on behalf of the Food Bank. The Alexander's support of the Food Bank is just one expression of their concern for the disadvantaged and suffering, which has also led to their involvement with Crisis Intervention, SEARCH, and Interfaith Ministries of Greater Houston among many other organizations. Their help in the Food Bank's beginning stages is truly commendable and their continuing commitment has made it

possible for the Houston Food Bank to fulfill the potential they foresaw.

The Food Bank lost one of its truest friends when Albert Herzstein passed away in March 1997. The son of Russian emigres, Albert Herzstein rose from truck driver and delivery boy to president of Big Three Industries. After his retirement, Mr. Herzstein began to build and lease warehouses. Through the Albert and Ethel Herzstein Charitable Foundation set up by him and his late wife, Mr. Herzstein helped local charities, including the Houston Food Bank, that provide food, shelter, and education, focusing on the construction of buildings to house their work. His gift to purchase the Food Bank's current facility ended its four-and-a-half year quest for a permanent home and made possible a phenomenal growth in the numbers of people fed. Every can and box of food that moves through the Herzstein Center is a tribute to this generous couple.

As the Houston Food Bank celebrates its fifteenth anniversary, its dedicated staff, volunteers, and supporters are looking as much to the future as to the past. In the words of Board President Jerome Pesek, "As we blow out the candles on the cake, our wish is still for a city without hunger." Mr. Speaker, I join the Houston Food Bank in rededicating our community to this goal, and I congratulate all involved for making so much progress toward achieving it.

MANAGED CARE CONSUMER PROTECTIONS: WHY COSTS WILL BE LIMITED

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. STARK. Mr. Speaker, the opponents of managed care consumer protections constantly say that the cost of the reforms will substantially drive up costs, and therefore cause employers to drop insurance coverage for their workers.

Some of their cost estimates are laughable. Remember the old Western, "Have Gun, Will Travel?" There is a whole industry in Washington of Ph'Ds who serve the same bounty hunter role. "Have Ph'D; Will Produce the Study Results YOU Want." Or as the old vaudeville joke goes, "If the man wants a green suit, turn on the green light."

One reason the studies are silly is that the States are already requiring, for the roughly 50% of plans that they can regulate, that managed care plans comply with the type of reforms we are proposing. Another reason is that the managed care trade association, AAHP, already requires as a condition of membership that a plan comply with many of these standards. The question arises, why should there be much extra cost if the plans are already complying with their trade association's quality standards?

Using data from Blue Cross Blue Shield, my staff has compiled the following matrix of State actions. Clearly, the passage of Federal legislation will not be asking the managed care plans to deal with issues they are not already dealing with on a wide scale.

STATE CONSUMER PROTECTION LAWS

Attached is a preliminary summary of States' consumer protection laws. This information, taken from the Blue Cross/Blue Shield Association's 1997 Survey of Health Plans, indicates that all but four states have enacted at least one of the managed care quality protections listed in the President's Consumer Bill of Rights. In addition:

Thirty-nine (39) states have enacted laws prohibiting "gag clauses" in provider contracts.

Twenty-nine (29) states have enacted laws allowing direct access to specialists without prior approval from the plan's primary care physician. These laws apply primarily to OB-GYN's, but a few also refer to chiropractors, dermatologists, and other specialists. Another five (5) states are expected to propose direct access to specialists in 1998.

Twenty-six (26) states have enacted laws requiring payment for certain care delivered in an emergency room. Almost half (12) of these states also impose a "prudent layperson" standard. Another nine (9) states are expected to introduce legislation with the "prudent layperson" standard in 1998.

Twelve (12) states have external grievance review laws that require health plans to allow enrollees to appeal coverage or claims denials to an outside medical expert of panel, if dissatisfied with the outcome of the plan's internal appeals process. Another 12 states are expected to enact mandatory external grievance review laws in 1998.

Sixteen (16) states (CA, DE, FL, HI, IA, ID, IL, IN, KY, MD, ND, OK, PA, SC, TN, and WA) are expected to propose a framework of quality standards for managed care plans in 1998.

STATES' CONSUMER PROTECTION LAWS (AS OF 1997)

State	Info disclosure	Choice of plans and providers*	Access to ER services ¹	Prohibition on gag clauses	Respect and nondiscrimination#	Confidentiality	Complaints appeals**
Alabama		X					
Alaska							
Arizona	X		X	X			X
Arkansas		X	X				
California	X	X*	X	X			X
Colorado		X*	X	X			
Connecticut		X	X	X			X
Delaware		X	X^	X			X**
District of Columbia			X^	X			X*
Florida	X	X	X	X			X
Georgia		X	X	X			X**
Hawaii							
Idaho	X	X	X	X			
Illinois		X	X^				
Indiana		X	X^	X			
Iowa							
Kansas		X	X	X			
Kentucky		X	X^				
Louisiana		X	X	X			
Maine		X		X			
Maryland		X	X	X			X**
Massachusetts		X		X			
Michigan			X	X			
Minnesota		X	X^	X			
Mississippi		X					X**

STATES' CONSUMER PROTECTION LAWS (AS OF 1997)—Continued

State	Info disclosure	Choice of plans and providers*	Access to ER services ¹	Prohibition on gag clauses	Respect and nondiscrimination#	Confidentiality	Complaints appeals**
Missouri		X	X	X			X
Montana		X		X	X		
Nebraska		X*	X	X			
Nevada		X	X	X			
New Hampshire		X	X	X			X**
New Jersey		X	X	X			X
New Mexico		X		X	X		
New York		X	X	X			X**
North Carolina		X	X	X			X
North Dakota				X			X**
Ohio			X	X			X
Oklahoma		X*	X	X			X**
Oregon		X	X	X			
Pennsylvania		X	X^	X			X**
Rhode Island		X	X^	X	X		X
South Carolina		X	X^				
South Dakota							
Tennessee		X*	X	X			X
Texas		X	X	X			X
Utah		X		X	X		
Vermont	X	X*		X			X
Virginia		X	X	X			
Washington		X	X	X			X**
West Virginia					X		
Wisconsin							
Wyoming				X			
Total	5	34	35	39	5	0	24

Twenty-nine (29) states have laws that allow direct access to a specialist without prior referral from the primary care physician. These apply primarily to OB-GYNs, but also can refer to chiropractors and dermatologists. Another 5 states () are expected to propose self-referral to specialists in 1998.

^Twenty-six (26) states have enacted laws requiring payment for certain care delivered in the emergency room. Twelve (12) of these states also impose a "prudent layperson" standard. Another nine (9) states (~) are expected to introduce this legislation in 1998.

#Five states prohibit discriminatory practices (e.g., denying/canceling coverage, higher premium) against victims of domestic abuse.

Twelve (12) states have external grievance review laws that require health plans to allow enrollees to appeal coverage or claims denials to outside medical expert or panel, if dissatisfied with outcome of plan's internal appeals process. Another 12 states () are expected to enact mandatory external grievance review laws in 1998.

Source: Blue Cross Blue Shield Association 1997 Survey of Plans.

GROWING UP BLACK IN SHEPHERDSTOWN

HON. ROBERT E. WISE, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. WISE. Mr. Speaker, I would like to introduce for the record an article by Mary Corcoran Lehman for the Shepherdstown Chronicle of Shepherdstown, West Virginia. This article was written in commemoration of Black History Month a few years ago. It is about the life of Mr. Charles Branson, a local city councilman, who has lived through an extraordinary period of American history and provides a fascinating perspective of this time.

While February, designated as Black History Month, has come to a close, I wanted to place this article in the Congressional Record today. The contributions of a person or culture to our society should not be limited to a specific month, but should be celebrated year round. Mr. Branson's story and others like it remind us that throughout one's life many people give significantly to the legacy of America everyday.

GROWING UP BLACK IN SHEPHERDSTOWN

(By Mary Corcoran Lehman)

Childhood for Charles Branson was enjoyable. He was born in 1921 at his home on Angel Hill on Shepherdstown's East End. At that time, he says, every black was born at home even though there were two hospitals in Martinsburg. Transportation was a problem, he remembers. Very few, if any, blacks had an auto in the 1920s. Charles' own family, for instance, got their first car in 1934 or 35.

The families in the East End were very close. Charles' maternal grandparents lived just 20 feet away. The grandparents owned both their home and the home where Charles, his parents, and his two siblings lived and grew up.

His parents, Charles says, worked very hard. His mother, who died when she was just 38 from complications from diabetes,

never saw a washing machine. She scrubbed the family's laundry on an old wash board. "Later in life I felt rather badly about that wash board," Charles says. She also worked as a domestic. His father worked various jobs. He was a laborer at Shepherd College, worked at the Blairton stone quarry and, in the early 30s when the Depression was still hitting hard all over, he worked for the WPA.

During the 20s and 30s Angel Hill was a mixed neighborhood, Charles remembers. "We all played together, black and white, in the street," he says. "There were no playgrounds. We'd shoot marbles, set up horse shoe pits and we played ball." Angel Hill children also played in the area where the Shepherdstown Day Care Center now is, he says, in a big field that extended back to where Porky May now lives.

Nathan Manuel, who is now a dentist, was Charles' closest friend back then. "We had a nice group then" he says. "We'd race up and down the street rolling tires." He remembers doing this with Robert Washington, Genevieve Monroe's younger brother. "And I also played with her sisters," he says.

Black and white adults, who lived on Angel Hill, also socialized, he says. "Society was not integrated then" Charles adds, "but as far as the activities of the people in the area it was integrated."

When Charles Branson was 8-years old he started school. He didn't begin school at the usual age of six because his legs were badly scalded with boiling water which tipped off a coal stove when he was six or seven. "I remember taking those bandages off," he says.

When he did start school he realized for the first time that there was a difference between blacks and whites. Charles had to walk all the way from Angel Hill to the far West End of Shepherdstown to attend the black Shadyside School. To get there he walked right past the white school on the corner of King and High Streets. It was about three blocks closer to his home than Shadyside and he says he used to wonder why he couldn't go there. The only time black kids went near the white school was after hours when they played on the fire escape tubes, he remembers now.

The great black educator Dr. John Wesley Harris was principal of Shadyside during the

years Charles was there. He succeeded Charles' grandfather John W. Branson. Harris was the senior Branson's pupil at one time. Branson's grandfather went to Page County, Virginia and taught in Luray. Several decades later grandson Charles would follow in his footsteps.

Charles graduated from Shadyside in 1937 without ever going through the eighth grade. The fifth, sixth, seventh and eighth grades were all in one class and by the time Charles was in the seventh grade he had heard and learned it all. When it came time for the eighth graders to take the state test, seventh grader Charles took it too and passed. The three others who took the test with him at the Eagle Avenue School in Charles Town passed also. Charles had the highest score so he was named valedictorian of his class and Clarence Holmes was salutatorian.

The only black high school in Jefferson County at the time was at Storer College in Harpers Ferry. It was a boarding school. Dr. Harris, whose son attended Storer also, took Charles to school in the fall. He came home for holidays. Board at the school in 1937 was \$16 a month. "Even that was hard for my parents to raise," Charles says.

Charles was at Storer for four years. In his junior year his mother died. Life became increasingly more difficult then. He couldn't stay on campus because his family could no longer afford the board so he went to work at a white tourist home in Harpers Ferry. The \$2 a month he earned enabled him to continue his schooling.

The tourist home, Laurel Lodge, was owned by the sister of Storer's Registrar Pansy Cook. "I wrung the necks of chickens and plucked them on Saturdays," Charles remembers. "They had big chicken dinners on Sundays and for the work they gave me lodging in the furnace room of their basement." Part of the job, he says, was to attend the furnace at night. The basement was so permeated with coal dust, he says, that even though he changed the sheets once a week by the middle of the week "they were as black as anything."

Charles had meals on campus and because he had so many friends there he always had a place to keep his clothes and take a bath. "It worked out very well," he says.